

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:07CR418
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
DILLON M. KRIVOHLAVEK,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's objection (Filing No. 124) to the Magistrate Judge's order (Filing No. 120).

On March 20, 2012, Magistrate Thoms D. Thalken held a preliminary examination and detention hearing with respect to the Petition alleging violations of the Defendant's term of supervised release. Judge Thalken found that probable cause exists to believe the alleged violations occurred. With respect to detention, Judge Thalken also found that the Defendant failed to meet his burden of showing that he is neither a flight risk nor a danger to the community, and he detained the Defendant pending the dispositional hearing. The Defendant objects to the detention order.

Under 28 U.S.C. § 636(b)(1)(A) and NECrimR 59.2, the Court has reviewed the Magistrate Judge's order. A district court may set aside any part of the Magistrate Judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

The Defendant has not ordered a transcript, necessary for the Court to review the entire record. Viewing the available record, the Court notes Judge Thalken's referral to the Defendant's previous failure to maintain contact with his probation officer and report for

scheduled drug testing. Together with the allegations in the Petition, which were supported by probable cause, the existing record supports Judge Thalken's decision to detain the Defendant pending the final dispositional hearing. Therefore, the Court finds that Judge Thalken's Order is not clearly erroneous or contrary to law.

IT IS ORDERED:

1. The Defendant's objection to the Magistrate Judge's order (Filing No. 124) is denied; and
2. The Magistrate Judge's Order (Filing No. 120) is affirmed.

DATED this 12th day of April, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge